



US Army Corps
of Engineers
St Paul District

APPLICANT: City of Oshkosh

Public Notice

ISSUED: October 29, 2001

EXPIRES: November 28, 2001

REFER TO: 01-04447-GRK

SECTION: 404 - Clean Water Act
and
10 - Rivers & Harbors
Act of 1899

1. APPLICATION FOR PERMIT TO discharge dredged and fill material in Lake Winnebago for the construction of new water intake facilities for the City of Oshkosh, Wisconsin.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 215 Church Avenue
P.O. Box 1130
Oshkosh, WI 54903-1130
(920) 236-5000

AGENT: Mr. James Zdeb
Harza Engineering Company, Inc.
115 S. 84th Street, Suite 200
Milwaukee, WI 53214
(414) 773-8800

PROJECT LOCATION: The project site is located in Secs. 18 & 19, T. 18N, R. 17E, Winnebago County, Wisconsin. The approximate UTM coordinates for the intake structure are Zone 16, North:4875500, East:377500. The UTM coordinates for the west end of the intake line are Zone 16 North 4875200 East 377400.

DESCRIPTION OF PROJECT: The City of Oshkosh proposes to construct water intake facilities for the City's water treatment plant that will consist of an intake crib, a water diversion vault, a 5-foot diameter water intake line, and a 5-foot diameter water transmission line. The lines will augment and/or replace existing intake and transmission lines currently in use.

QUANTITY, TYPE, AND AREA OF FILL: The project would consist of:

a. The installation of a water intake line. The intake line would extend 3,100 feet into Lake Winnebago. The 60-inch diameter pipe would be placed in a trench dredged 10 feet below the bottom of Lake Winnebago and would be constructed of pre-stressed concrete cylindrical pipe, steel pipe, or ductile iron pipe.

b. The installation of a water intake structure. The 43-foot by 43-foot wood structure would be placed at the east end of the

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water intake line. The top of the submerged structure would be 7 feet below low water levels.

c. The installation of a new water transmission line. The transmission line would be 3000 feet long and extend from the pre-settlement basin to the existing water treatment plant. This pipeline would also be placed in a trench with the top of the pipe 5 feet below the existing lakebed.

d. The construction of a diversion vault. A concrete structure approximately 10 feet by 20 feet would be constructed along the shoreline and extend into Lake Winnebago. It would contain sluice gates and valves to control the flow into and out of the new intake pipeline, the water transmission line, and the existing pre-treatment basin. It would also be the feed point for chemicals the City of Oshkosh uses to control algae within the basin. The top of the vault would be accessible from shore and would allow use as a fishing pier.

In the construction of the proposed project, approximately 38,000 cubic yards of material would be excavated from the lake bottom. The applicant estimates that 30,500 yards of this material would be used as backfill with an additional 2,000 cubic yards of crushed stone used as bedding and armor for the pipes. Excavated material not suitable or in excess of the amount required for backfill would be removed from the lake. The pipeline construction would take place over two construction seasons. However, the excavated material that would be temporarily stockpiled adjacent to the trench would be utilized for backfill or be removed within 65 days of placement on the lakebed. All areas of sidecast dredged material within 5 feet of the water's surface would be protected from wave action by a turbidity barrier. All areas of construction and construction equipment located within Lake Winnebago would be appropriately marked as required by state and federal law. All disturbed lakebed areas would be restored to the pre-construction bottom contours.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, Suite 211, Old Fort Square, 211 N. Broadway, Green Bay, WI 54303-2757.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Gary Knapton at the Green Bay office of the Corps, telephone number (920) 448-2824.

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4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Winnebago County is within the known or historic range of the following Federally-listed threatened species:

<u>Species</u>	<u>Habitat</u>
Bald eagle	Breeding and wintering; mature forest near water
Eastern prairie fringed orchid	Wet grasslands

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because Lake Winnebago is a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT THE FOLLOWING STATE, COUNTY, AND/OR LOCAL PERMITS HAVE BEEN APPLIED FOR/ISSUED: A permit has been applied for to the Wisconsin Department of Natural Resources.

6. WATER QUALITY CERTIFICATION. The State of Wisconsin, Department of Natural Resources, has evaluated this activity for water quality certification pursuant to Section 401 of the Clean Water Act and Chapter NR 299, Wis. Adm. Code. The Department has determined that this activity will result in a discharge to waters of the state and that there is reasonable assurance that this activity will be conducted in a manner which does not violate the standards enumerated in Section NR 299.04, Wis. Adm. Code. Certification is granted provided the following conditions are complied with:

The applicant shall notify the Wisconsin Department of Natural Resources of its intent to start the discharge at least five business days prior to the beginning of the discharge.

Within 5 business days after the completion of the discharge, the applicant shall notify the Wisconsin Department of Natural Resources of the completion of the discharge.

The applicant shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to

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inspect the discharge for compliance with the certification and applicable laws.

The applicant is hereby advised that the activity may require additional authorization under requirements of state law administered by the Department which are not related to water quality.

Notice of Appeal Rights. Any person whose substantial interest may be affected by the Department's determination may request a contested case hearing by serving a petition for hearing on the Secretary of the Department within 30 days after publication.

This determination shall become final in accordance with the provisions of NR 299.05(7), Wis. Adm. Code. The final decision of the Department shall be judicially reviewable as provided under ch. 227, Wis. Stats.

For judicial review you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department as the respondent.

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards,

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floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

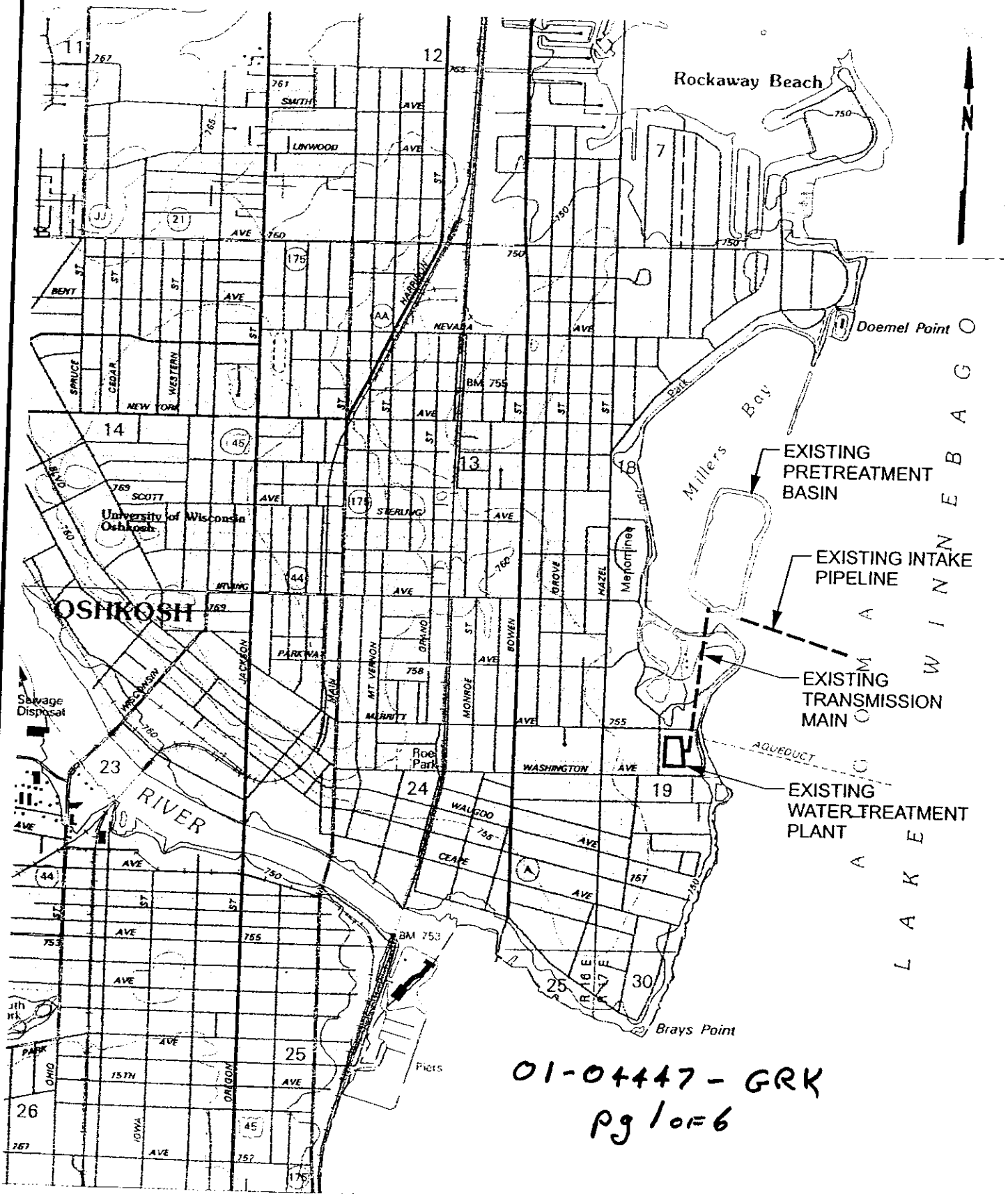
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Maria T. Valencia

Enclosures

Maria T. Valencia
Chief, Out-State Wisconsin Section

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



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SOURCE: USGS Map
Oshkosh, Wisconsin

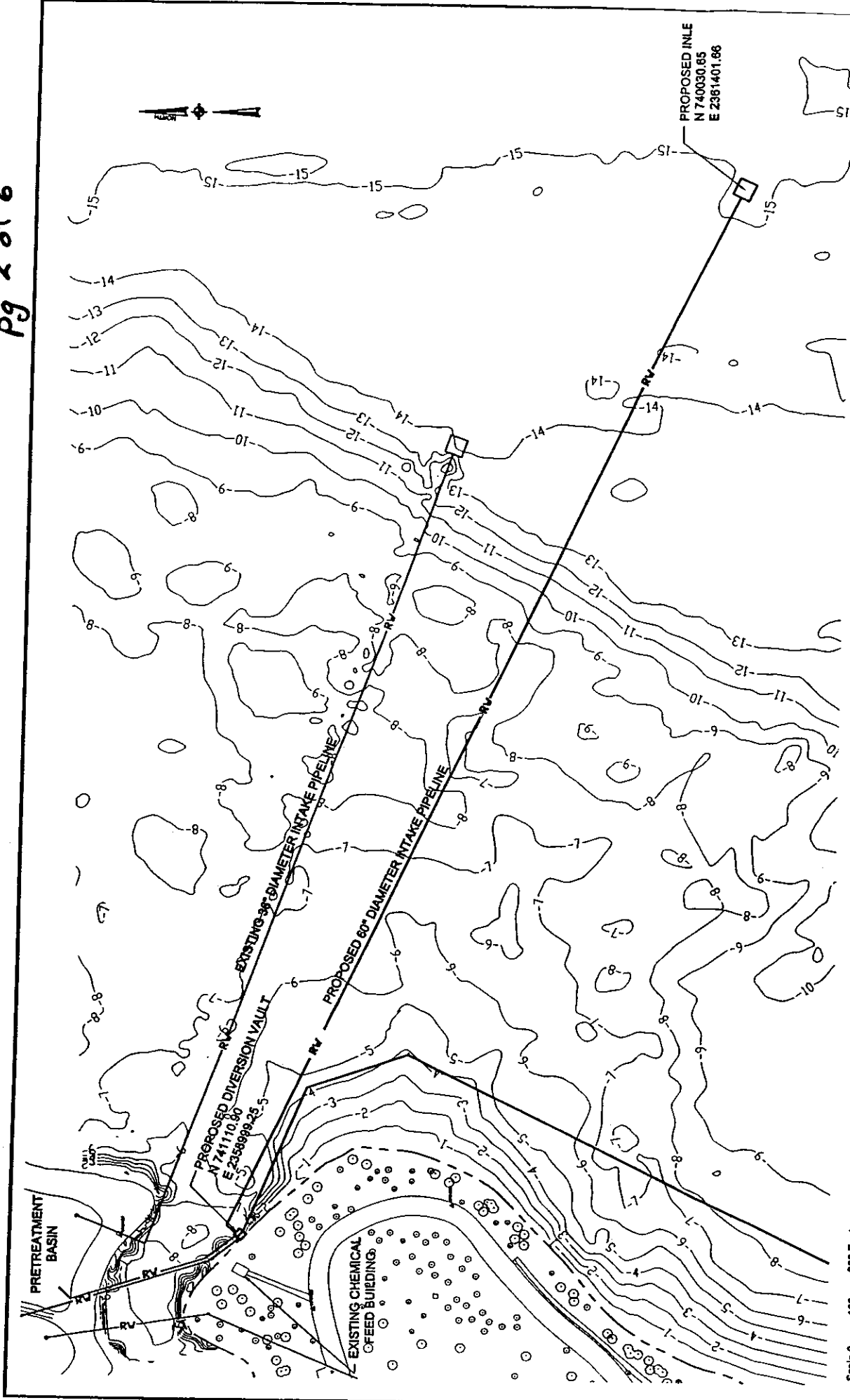
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SITE MAP
Oshkosh, Wisconsin

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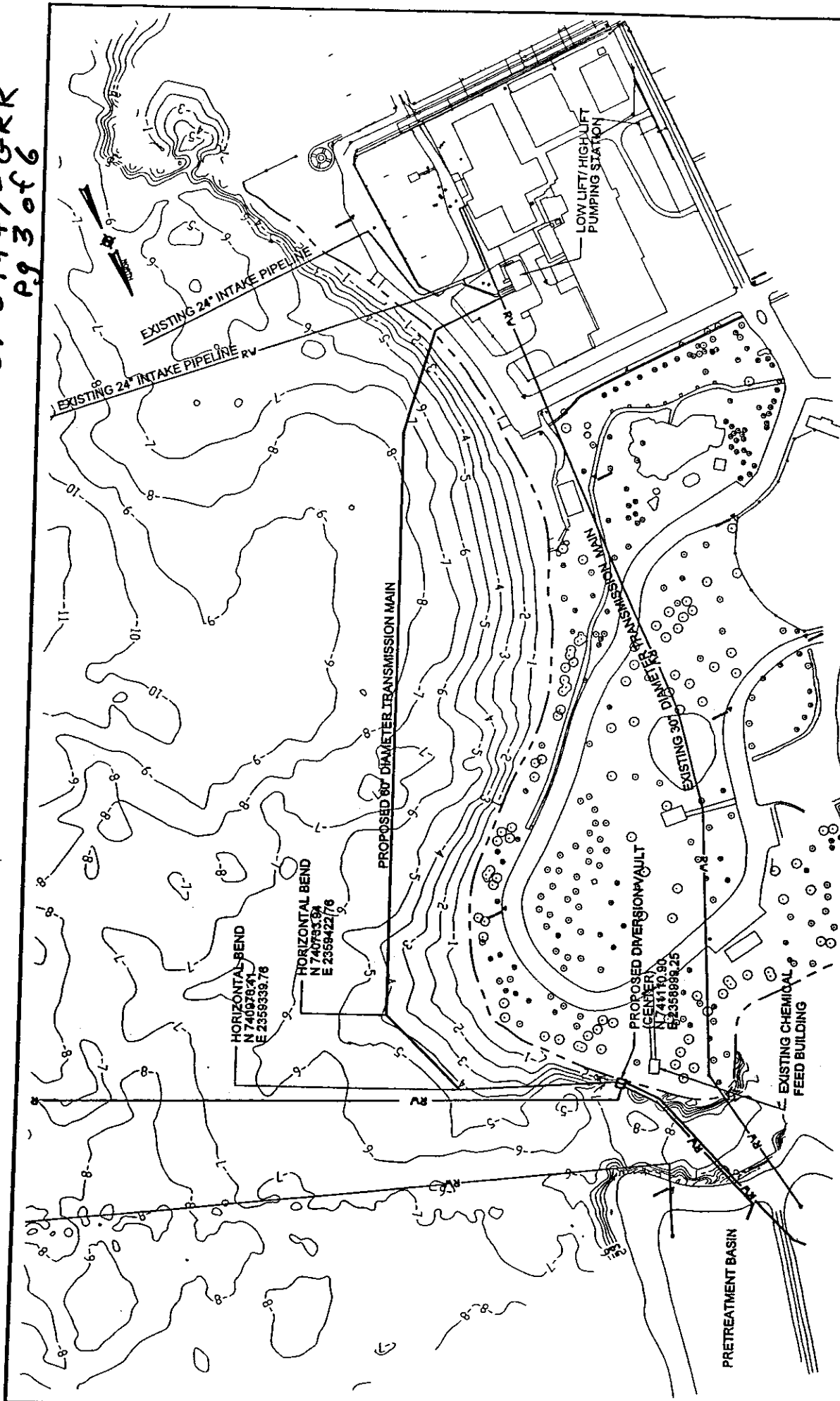


Note: All depth data is referenced to elevation 746.93 feet NGVD 1929.

Figure 3-1
PROPOSED 60" DIAMETER TRANSMISSION MAIN ALIGNMENT
RAW WATER INTAKE AND TRANSMISSION MAIN
CITY OF OSHKOSH
Oshkosh, Wisconsin

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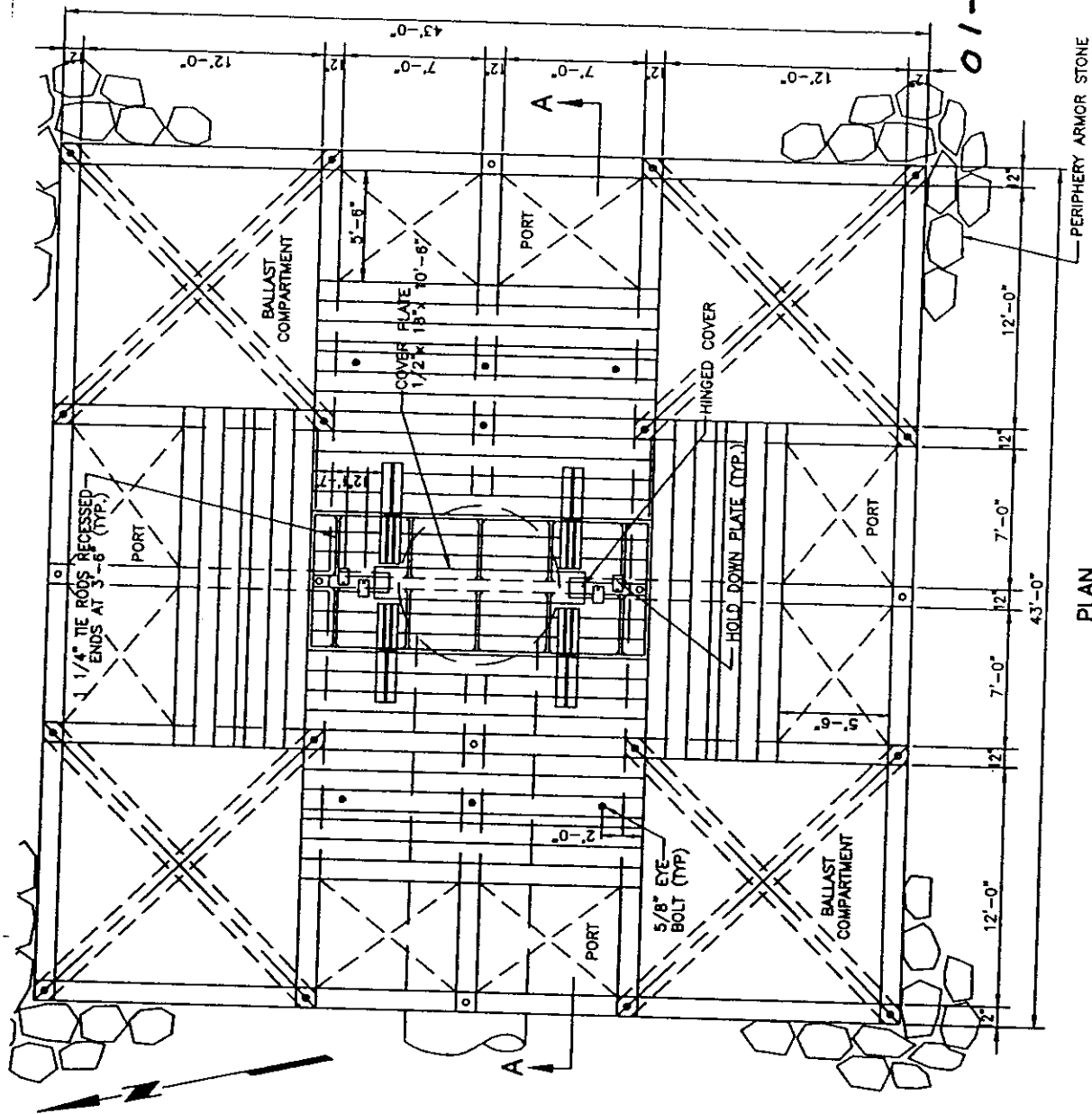


Scale 0 100 200 Feet

Note: All depth data is referenced to elevation 748.93 feet NGVD 1929.

Figure 3-2
PROPOSED 80" DIAMETER TRANSMISSION MAIN ALIGNMENT
RAW WATER INTAKE AND TRANSMISSION MAIN
CITY OF OSHKOSH
Oshkosh, Wisconsin

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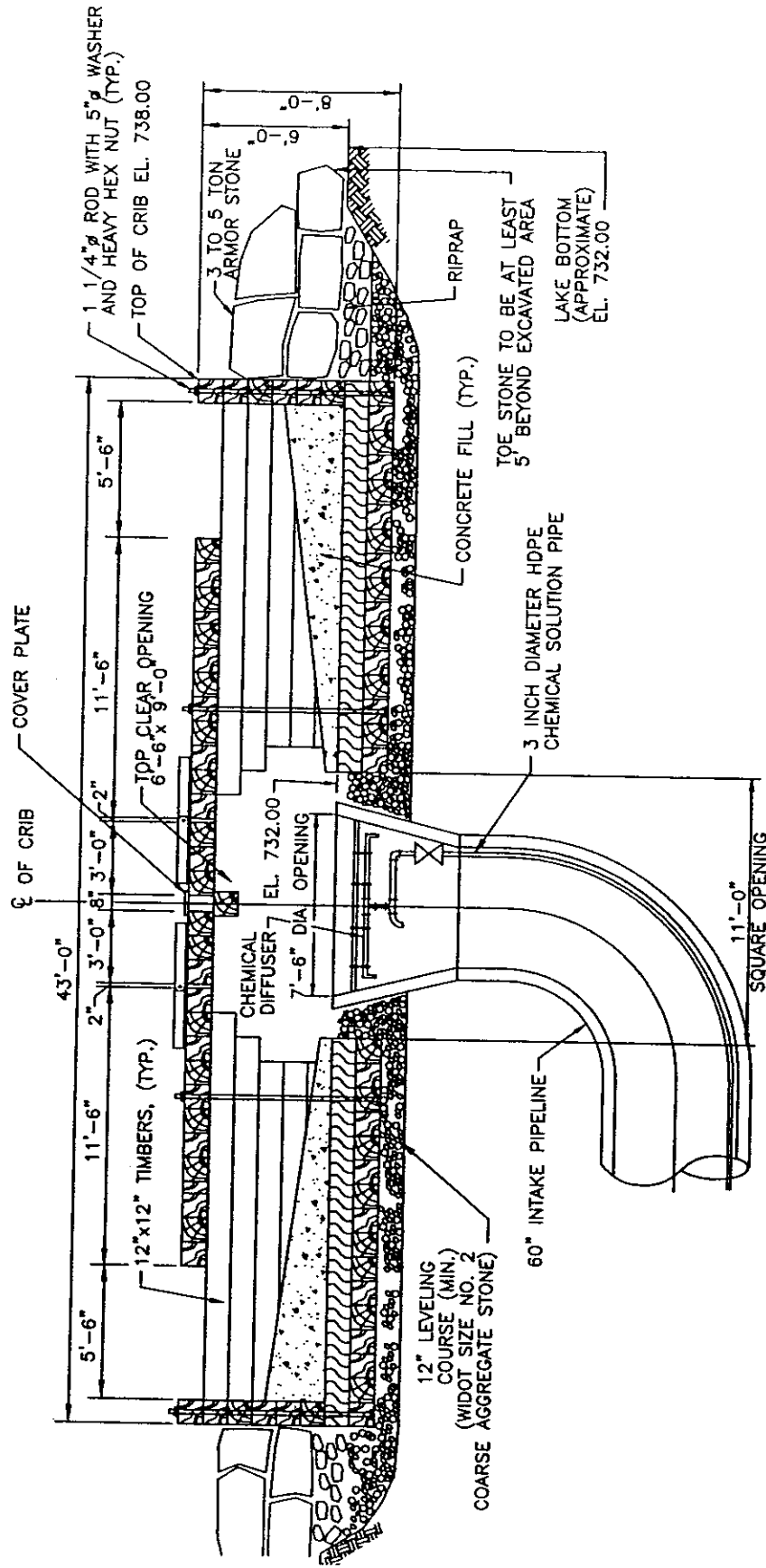


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NOT TO SCALE

Figure 3-3
PROPOSED CRIB PLAN
RAW WATER INTAKE AND TRANSMISSION MAIN
CITY OF OSHKOSH
Oshkosh, Wisconsin

PLAN



SECTION A-A

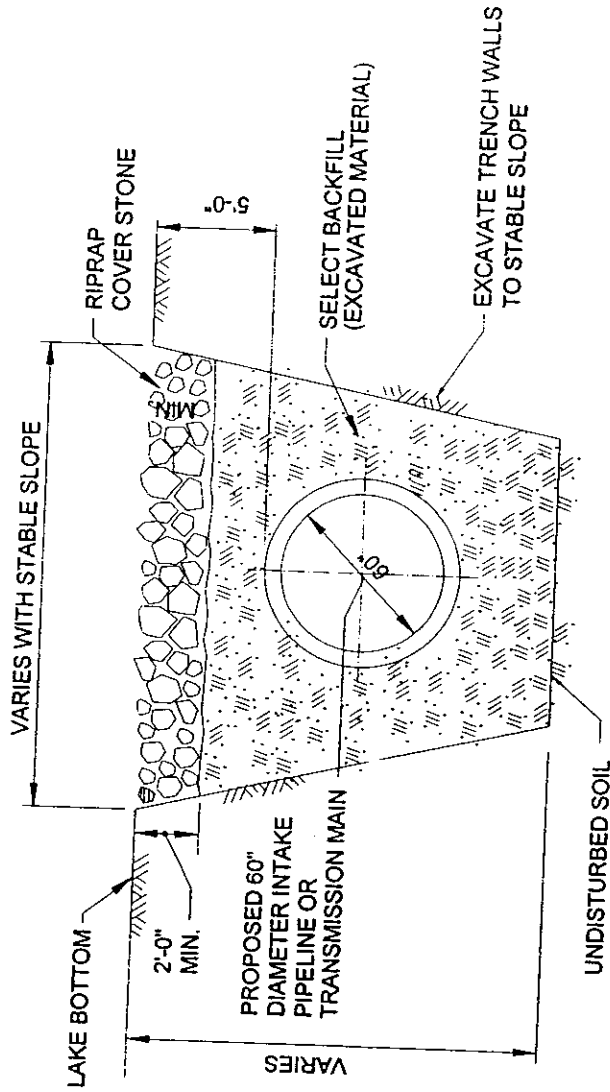
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NOTE:
All Elevations shown are NGVD 1929

NOT TO SCALE

Figure 3-4
PROPOSED CRIB SECTION
RAW WATER INTAKE AND TRANSMISSION MAIN
CITY OF OSHKOSH
Oshkosh, Wisconsin

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INTAKE PIPELINE AND TRANSMISSION MAIN
TYPICAL LAKE TRENCH DETAIL

NOTE:

RIPRAP COVER STONE SHALL BE PLACED IN THE TOP OF THE TRENCH ONLY IN AREAS WHERE THE WATER DEPTHS ARE LESS THAN SIX FEET.

NOT TO SCALE

Figure 4-1
TYPICAL TRENCH DETAIL
RAW WATER INTAKE AND TRANSMISSION MAIN
CITY OF OSHKOSH
Oshkosh, Wisconsin

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